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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/020,980 | 12/19/2001 | Jung-wan Ko | 1293.1071D3 | 1189 |
| 21171 | 7590 | 11/06/2003 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | PSITOS, ARISTOTELIS M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2653 | |

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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21171 7590 09/29/2003
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[REDACTED] EXAMINER

PSITOS, ARISTOTELIS M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2653

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DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/020,980 | KO ET AL. | |
| | Examiner | Art Unit | |
| | Aristotelis M Psitos | 2653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Applicants' response of 6/20/03 has been considered with the following results. The FINALITY of the previous OA is hereby withdrawn, the amendment of the above date is entered, and the following OA is taken. Although applicants' identify the present application as a divisional of Sn 09/333,520 this examiner has been unable at the present time to review the file of that application. Hence this examiner is not certain whether this is a voluntarily filed divisional or one filed in response to a restriction requirement. If this is a voluntarily filed application, applicants' cooperation in reviewing the claims to ensure that there is no conflicting claims necessitating and obvious double patent rejection is respectfully requested.

Information Disclosure Statement

The IDS of 12/19/01 is acknowledged; however, none of the foreign documents cited therein have been reviewed. (No copies have been supplied). If applicants desire such documents to be considered, copies of such must be submitted.

The IDS of 6/5/02 has been received and entered. Note the examiner has only reviewed the patents to Furukawa and Maeda et al.

The listed pending applications HAVE NOT BEEN REVIEWED IN DETAILED – due to the inability of retrieving the files no longer maintained at the same location as the Examining Corps.

Applicants' cooperation in maintaining a clear line of demarcation between the pending claims in this application and those in the other applications is respectfully requested. Applicants are in a better position to determine what invention they desire protection of in which application.

Nevertheless, in order to assist applicants in their analysis, the examiner submits the following observations with respect to MEDIA CLAIMS:

- a) 09/335520 – media claims 1-24: POSSIBLE CONFLICTING CLAIMS
- b) 09/610695 – media claims 1-24: AGAIN POSSIBLE CONFLICTING CLAIMS
- c) 09/10/020945 – media claims 1-3: AGAING POSSIBLE CONFLICTING CLAIMS

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AS FAR AS THE REMAINING CLAIMS ARE UNDERSTOOD AND INTERPRETED BY THE EXAMINER THE FOLLOWING ART REJECTIONS ARE MADE.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 attempts to define the medium (product) as indicating a protection state when a particular process of write/read coincides (match). As interpreted by the examiner this is not drawn to a product, but a process, i.e., the process of indicating a particular state. The record medium itself (product) cannot indicate anything without the process of reading and comparing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 8 are rejected under 35 U.S.C. 103 as being obvious over Kuroda et al further considered with Verboom et al and all further considered with either RO et al or WO97/14147 to Ueda et al.

With respect to claim 1, Kuroda et al discloses a DVD disc, wherein the basic designated areas exist – lead in, lead out, user data area. Applicants' use of the next term RMA and RMD DOES NOT DEFINE OVER Kuroda et al –The examiner concludes that both the claimed RMA and RMD limitations is inherently present, i.e., merely a colorful use of language that does not patentable distinguish over the document. As is well known, "a rose by any other name would still smell as ...".

Looking at Kuroda et al, again, Lead in, lead out, user data area is depicted, as is RMD – note figure 9 for instance. Hence again, the examiner concludes that both the claimed terms RMA and RMD are inherently PRESENT.

With respect to the desired ability of having write protection information stored accordingly, applicants' attention is further drawn to Verboom et al, which provide for the ability of having write protection in this environment. It appears from the description that the write protection information is in the The write protection BYTE is at the head of EACH data BLOCK.

It would have been obvious to modify the base system of Kuroda et al with the above teaching from Verboom et al to provide for write protection information for the further ability of write protection.

The examiner interprets the claimed phrase "at least two writ protection information" as the disclosed bits – see paragraph 70 of the present specification, and because as known a byte comprises a plurality of bits, the examiner concludes that this limitation is present.

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The ability of placing write protection data in another location – lead in, along with other management information is further taught by the Ro et al document. Note the particular ability of the protection ability.

Alternatively the Ueda document teaches the ability of having additional control (scrambling) to ensure proper copying – see discussion with respect to table 1 as well. The Examiner is providing a copy of the US equivalent.

It would have been obvious to modify the above combined references, Kuroda et al and Verboom et al with the additional teaching from either of Ro et al or Ueda et al, motivation is to reduce the overhead at the block level and relocate a write protection ability to the data management field level. This would provide for an increased data block allocated to store information (data) and still provide for the write protection ability.

Furthermore, the placement of this information into the specified area noted in the claim is considered merely a relocation of this signal. The normal understanding of management area is that of an area to store/hold/designate information about the record medium indicative thereof. To place an indication of copy protect from one area into another is not considered patentable. As known in this field placement of information control signals into various locations are well known – see also McFerrin et al - at col. 9 lines 10 plus – placement of a write start signal at the appropriate location.

Furthermore, since the above document fail to specify that the disc be in a protective device, the limitations of claim 8 are considered inherently present.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art applied to claim 1 above, and further in view of the acknowledged Prior Art.

With regards to claim 2, the examiner interprets the DVD-RW specification to refer to the version 1.0 and version 1.9 as acknowledged as being prior art in applicants' disclosure.

With regards to claim 5, the examiner considers these limitations to refer back to the acknowledged Prior Art with regards to figure 3. Additionally, it is noted that the EP document also provides for the defect management ability.

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It would have been obvious to modify the base system as relied upon above with respect to claims 1 and 8 and modify them with the above acknowledged prior art DVD-RW format, motivation is to use existing formats and hence increase the flexibility/marketability of the overall combination. Since Kuroda et al is concerned with DVD discs, and because the DVD-RW is a type of dvd format, the ability to modify the base generic system to an existing specific type is considered obvious for the reason(s) stated above.

5. Claims 3,4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of McFerrin et al.

With respect to claim 3, since McFerrin et al permits his recording of the protection signal to be at the start of a sector, and there can be a plethora of sectors, the duplication is inherently present. Also, Verboom et al provide for the write protection byte at the beginning of each data block, this also teaches the ability of having a plurality of such information stored in physically separate locations a plurality of times.

With regard to claim 6, since the McFerrin document discloses that the information format of his record comprises a plurality of bands/ note the ability of providing such write protection at the appropriate sector, the fields are grouped with the same write protection information as recited. Hence the examiner concludes that the write protection of the same group(s) of data would be so associated. This would provide the ability to provide for the segmentation of control data according to "groups".

It would have been obvious to one of ordinary skill in the art to modify the base references with the additional teaching from McFerrin, motivation is to take advantage of existing disk formats available to those of ordinary skill in the art and therefore save valuable resources in reinventing limitations that already exist, and with McFerrin et al and Verboom et al so as to provide for the write protection data at a plurality of physically separate locations a plurality of times. Such provides for either a backup ability/or a duplicate check to ensure proper write protection mode.

With respect to claim 4, the examiner interprets this claim to mean that during a write process, data is being read to insure write protection. Applicants' attention is drawn to Verboom et al – see the abstract for instance – which performs such ability.

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Since Verboom et al is among the base reference(s) used with respect to claim 1, no further modification/motivational reasoning is necessary.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of either Heo or Maeda et al ('759).

The particular bit location, bp3, bp0, etc. as found in this claim is considered to be obvious over the DVD formats of either Heo or Maeda et al – both of which indicate such nomenclature is known when identifying sections of the dvd formats, see figures 8b, 9d, 16 17b, 18b and c in Heo which uses such bit designation for a plurality of uses – note in particular the use for designating attributes of the information.

Also, Maeda et al with respect to the DVD control data and TOC nomenclature.

It would have been obvious to modify the base system as identified above with respect to claim 1 and further use the nomenclature/language of DVD formats and place the control information at the desired location.

Placing of control information at the particular bit positions is considered merely a selection from a plurality of alternative equivalents, i.e., a design expediency as long as such does not conflict with previously used bit positions. It is noted that the PTO form 892 erroneously indicated the patent # to Heo. The correct # is being provided with this OA.

Hard copies of the application files are now separated from this examining corps; hence the examiner can answer no questions that requires a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP